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COMMISSION ON HUMAN RIGHTS

Subcommission on Prevention of
Discrimination and Protection
of Minorities
Working Group on Indigenous Populations
Thirteenth session
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Item 5 of the provisional agenda

REVIEW OF DEVELOPMENTS PERTAINING TO THE PROMOTION AND PROTECTION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS OF INDIGENOUS POPULATIONS

Information received from indigenous peoples' and non-governmental organizations

Introduction

1. In resolution 1982/34, of 7 May 1982, the Economic and Social Council authorized the Subcommission on Prevention of Discrimination and Protection of Minorities to establish annually a working group on indigenous populations to review developments pertaining to the promotion and protection of the human rights and fundamental freedoms of indigenous populations, together with information requested annually by the Secretary-General, and to give special attention to the evolution of standards concerning the rights of indigenous populations.

2. The Subcommission, in its resolution 1994/46 of 26 August 1994, requested the Secretary-General to transmit the report of the Working Group to indigenous and non-governmental organizations. The Commission on Human Rights, in its resolution 1995/31 of 3 March 1995, also requested the Secretary-General to transmit the report of the Working Group to indigenous and non-governmental organizations for comments and suggestions. In accordance with the resolutions, appropriate communications were sent. The

present document contains replies received as of 1 July 1995 from indigenous and non-governmental organizations concerned with the promotion and protection of the human rights and fundamental freedoms of indigenous populations. Further replies, if any, will be included in addenda to this document.

THE TREMEMBE OF ALMOFALA INDIGENOUS ORGANIZATION

[Original: French]
[26 April 1995]

Current situation of the Tremembé people of Almofala

3. We the Tremembé live in the indigenous area of Almofala, our traditional land. We number approximately 3,500 people, grouped in 500 indigenous families scattered over 20 or so villages, on the beach and in the woods (matas). Our area is located on the west coast of Ceará, in the municipality of Itarema (Brazil). The capital city of the same name, the seat of the municipality, is the nearest city (12 km). The capital of Ceará, Fortaleza, is 272 km away.

4. According to historians, the European colonizers came to our land as early as 1500, and our land is said to have been visited by foreigners even before that. The land of the Tremembé of Almofala appears on Vicente Pinzon's map.

5. Between 1898 and 1945 our village was covered by dunes and our people scattered throughout the neighbouring region despite our efforts against the sands. When this invasion ceased and our village re-emerged, another invasion began: that of the foreigners (gente de fora), who built brick houses. Our land was invaded by merchants and landowners, and we were driven out. Despite death threats to force us to abandon our traditions, we have kept our ritual - the Torém - which is the hub of our resistance.

6. We are sea and river fishermen (in the Aracati-Mirim river). We are divers, but most of us do not have our own boats. When we do own boats, they are too small to use for fishing on the high seas. Crawfish is a highly sought-after product in the region (for export), and this leads to work situations in which we are severely exploited. We work, we catch fish for the large landowners, the rich people who took our land and who are also the businessmen in the region. Our product has no value when it is in our hands.

7. Our recent efforts to organize ourselves collectively have borne fruit; we have a boat and are organizing to sell shrimp and fish. With the support of a federal deputy in Ceará, our fishermen's group managed to obtain a freezer, and we therefore no longer need middlemen and sell our small production ourselves.

8. We have also organized a House of Flour (cassava, one of the bases of our survival) for the beach region where more than 200 families are dependent on the goodwill of the invader (posseiro) in order to produce their own flour, and at a high cost to them. So we grow cassava, and there are families forced to rent a spot of land, many miles' walk from their homes, to do so.

9. Hunting is also part of our tradition; we hunt the small game still found in a few areas of our territory, and we also gather fruit. Our main fruit is the caju, from which we make our sacred drink, the mocororo, which is served during the Torém. The cajueiro also provides us and our children with food, which is why it is important always to have some planted on our land.

10. In 1979 a company invaded our land and drove out the indigenous families, destroying our crops, lagoons and livestock and planting coconut trees. At that time we were too isolated to defend ourselves, did not know which way to turn and were ignorant of similar struggles being waged elsewhere by other indigenous peoples. The Tremembé who refused to leave the region **are constantly exposed to harassment and humiliation, confined within a kind of corridor, between the Aracati-Mirim river and the fences of the company.** The Tremembé of Varjota live opposite this area. The company did not succeed in taking their land, despite its efforts - destruction of crops, encirclement of the region, police operations, etc. Varjota is proof of the Tremembé people's resistance to fear.

11. In 1992 the FUNAI (National Indian Foundation) sent us a technical commission to establish the necessary data for us to begin the administrative procedure for the demarcation of our land. The campaign, involving all the indigenous peoples of Ceará, began in 1993, and although the demarcation of our land has not been completed, our first victory has been **the victory over fear.** We were afraid to recognize ourselves as indigenous, afraid to react and demand recognition of our rights, afraid to die like so many of our people, with heads lowered before the large landowners, the politicians, the merchants or the mayor. We are still afraid, but we are no longer prisoners of our fear. We are organizing ourselves, especially with the north-eastern districts, and are increasing our contacts with others elsewhere in Brazil.

12. There are four of us indigenous peoples in Ceará fighting for the demarcation of our lands: the Tapeba, the Tremembé of Almofala, the Pitaguary and the Genipapo-Kanindé. The last two are still at the preliminary stages, whereas the Tapeba and we Tremembé have been recognized as indigenous peoples by FUNAI (July 1993) after completion of all the steps and formalities. All that remains now is the demarcation order, which has to be signed by the Minister of Justice.

13. However, for the last four years other brothers and sisters in our region have been organizing themselves: the Kalabaça, the Tabajara, the Kariri, the Potyguara and the Tupinambá. They too have decided to fight fear.

The "Tupaj Katari" Indian Movement

[Original: Spanish]
[31 May 1995]

Ecology and human survival

14. For thousands of years indigenous civilizations developed in harmony with the natural environment; colonization upset this natural and social balance, and the destructive activities of "civilized" people have dealt a harsh blow to nature.

15. Unlike the more "backward" Indians, who knew how to cultivate their lands with respect, tend their plants with love and hunt animals strictly as necessary, "civilized" people have paid no heed to this ethical requirement and have acted blindly against the natural law of social reproduction. Our ancestors knew how to care for every tree that shaded their tombs, that protected their children from the wind and heat, the tree of life that generously offered its fruit to the coming generations, whereas the colonizers did the opposite. The answer should be sought not in the minds or psychology of human beings, but in a way of living, producing and consuming that will revolutionize attitudes.

16. Everything today begins and ends with human beings, with the incompatibilities between their cultures and lifestyles. Although it is true that all human activity necessarily affects the environment, we cannot and should not consider environmental pollution to be a fatality of history. Faced with this paradox, how can we find a fair balance between comprehensive development and preservation of the environment?

17. With their blind and thoughtless behaviour throughout the history of society, human beings, colonizers of all times, driven by their voracious appetites, have been devouring riches and destroying the environment to the point of becoming the cruellest enemy of the Mother Earth who gave us life and sustenance.

18. "Civilized" man's irrational instinct has made him commit the serious error of thinking he is the only owner of the earth and its wealth and arrogating to himself the right to destroy the lives of other plant and animal species.

19. The history of life proves the opposite. Man is not the centre of the universe, but a passer-by like all other living beings throughout the long course of evolution. According to an Arab proverb, "we are all guests on Earth", which receives and feeds us like a generous mother, but our ungrateful and cruel behaviour has jeopardized the survival of the human race.

20. To paraphrase the Cuban researcher, today more than ever we hear the call of our ancestral land, which, grieved by this image of death, cries out for the love of her children.

21. Too late we realize that there lies in store for the human race a desolate world in which a few will survive for a while in air-conditioned buildings and everything will be produced artificially, while the great majority will die a slow death. How can we sleep peacefully with this image of death before us?

22. This dehumanizing, unequal, anarchical development we are witnessing is the result of our misnamed present-day "industrial civilization". In contrast and as a definite challenge to the legitimate aspirations to equity and justice in international relations, the "New World Order" thought up by the Western Powers and based on the law of the strongest is a major obstacle to the combining of environmental protection with sustainable development.

23. The Western world, led by the United States of America which has been imposing its own conception of development, integration and democracy on underdeveloped countries, is without doubt directly responsible for this ecological disaster.

24. The highly industrialized countries produce more than 50 per cent of the gas emissions causing the depletion of the ozone layer in the stratosphere. "The OECD countries account for 40 to 60 per cent of world consumption of products of mineral origin such as fossil fuels (43 per cent); petroleum (50 per cent); steel (40 per cent); aluminium (59 per cent); copper (58 per cent); lead (55 per cent); nickel (59 per cent); tin (53 per cent); and zinc (46 per cent) (see pamphlet, "Peace and sovereignty", No. 11/1993).

25. Consequently, the economic Powers "emit most of the gases that cause acid rain, i.e. 40 per cent of the sulphur dioxide and 54 per cent of the nitrogen oxide and they cause 68 per cent of industrial wastes" (see World Resources 1992-1993, p. 18).

26. In the United States of America, more than 90 per cent of the energy used comes from fossil fuels which are the basic cause of emissions of the main gas causing the greenhouse effect (CO_2). "This country consumes about 25 per cent of all commercial energy, including 25 per cent of petroleum, 29 per cent of natural gas and 22 per cent of coal" and devotes over 10 per cent of its GDP to energy, whereas Japan spends only 4 per cent of its gross national product ("Peace and sovereignty").

27. In the opinion of the international scientific community, if current pollution levels are maintained, this will result in significant ecological changes, abnormal climatic phenomena and increasingly frequent storms and droughts, and will aggravate the problems of unequal resources, population and consumption throughout the world, with severe consequences for the poor nations.

28. Despite the fact that its global economic activity has caused the greatest harm to the ecosystem, the industrialized world has been slow to react to this phenomenon threatening humanity.

29. During the more than two decades that have elapsed between the United Nations Conference on the Human Environment held in Stockholm in 1972 and the United Nations Conference on Environment and Development held in Rio in 1992, environmental policy in the industrialized States has been shaped and applied according to the strategic interests of the transnational corporations, with no concern for environmental degradation, and is today completely inconsistent with comprehensive and sustainable development in the third world.

30. International forums ask us, the poorest peoples, to protect the forests, when the forests that provide us with our daily oxygen are mutilated by the transnational companies whose headquarters are in the industrialized countries.

31. The Western Powers demand that the poor countries should protect the waters and the atmosphere, but it is their own transnational corporations that are exporting polluting technologies and toxic wastes to the developing countries. When all is said and done, who has the right to make such a demand, and of whom?

32. The biggest problem for the West lies in recognizing the harmful effects of its own economic activity and being able to impose standards of conduct on itself. Environmental degradation in the industrialized countries has endangered the quality of life, while in the underdeveloped countries, environmental pollution has called into question the right to free and sovereign development.

33. Not only do these ecological crimes violate international instruments concerning the right to development, but they are also morally wrong in that they threaten the lives of present and future generations.

34. At this advanced stage in the terrible mutilation to which we are subjecting our planet, it is urgent for the industrialized States and the international community as a whole to reframe their environmental policies and set new criteria for development, economic growth and environmental sustainability.

35. If the behaviour of economic players does not change radically in the next decade, and if minimum rules of conduct are not imposed on the transnational corporations, we may deduce that humanity will be doomed and the human race will die out.

36. It is now incumbent on the industrialized States and their transnational companies to take responsibility for compensating Mother Nature in the eyes of history by restoring the life that is threatened with destruction by the ideology of unlimited quantitative growth.

37. However, it will be impossible to address global environmental problems within the economic framework of neoliberalism unless human beings become aware that they must curb the wasteful, consumerist culture originating in the developed world and unless materialistic societies change the way they live, produce, consume and waste.

38. On the other hand, sustainable development is a likely and essential alternative to the colonial model, provided that States substantially change their economic policies and regulate the rational and reasonable use of natural resources.

39. Sustainability by its very nature means the satisfaction of human needs, not profit at any cost, and corresponds to strategies for rationalizing production systems, including indigenous technology, without jeopardizing the environment.

40. For this reason, human beings indigenous workers in unending succession, are the mainspring of sustainable development, as conscious protagonists of social development.

41. At bottom, sustainable, or alternative, development requires that human beings have the capacity to reconcile three major concerns: economic growth, fairness and social justice and environmental sustainability.

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